

REQUEST FOR DIVISIONAL APPLICATION
UNDER 37 C.F.R. §1.53(b)

MS Patent Applications
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Anticipated Group No.: 8838

Sir:

This is a Request for filing a divisional application under 37 C.F.R. §1.53(b) of prior Application Serial No. 08/972,901, filed on November 18, 1997, entitled GENETIC ENGINEERING OF PLANT CHLOROPLASTS by the following named inventor(s): Henry Daniell and Bruce A. McFadden.

Enclosed is a copy of the prior application as originally filed. I hereby verify that the attached papers are a true copy of the prior Application Serial No. 08/972,901 as originally filed on November 18, 1997.

Kindly cancel, without prejudice or disclaimer of their subject matter, in this application original Claims 1-20 of the prior application before calculating the filing fee.

A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

The filing fee has been calculated on the basis of the claims existing in the prior application as amended above:

| | NO. OF CLAIMS FILED | | | NO. OF EXTRA CLAIMS |
|--------|---------------------------|---|------|---------------------------|
| TOTAL | 20 | - | 20 = | 0 |
| INDEP. | 5 | - | 3 = | 2 |
| | | | | |

SMALL ENTITY

| RATE | BASIC FEE \$385. |
|------|------------------------|
| x 9= | \$0.00 |
| x43= | \$86.00 |
| | |

OR

OTHER THAN
SMALL ENTITY

| RATE | BASIC FEE \$740. |
|-------|------------------------|
| x18= | \$ |
| x84= | \$ |
| +280= | \$ |

TOTAL FILING FEE \$471.00 OR \$_____

A check in the amount of \$454.00 is enclosed to cover the official filing fee.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment, to Deposit Account No. 13-3405. This authorization is made in duplicate.

Amend the specification by inserting before the first line the sentence --This application is a divisional of Application Serial No. 08/972,901, filed November 18, 1997, incorporated herein by reference.-

The prior application is assigned of record to Auburn University as shown in the Office records at Reel 8166, Frame 0970.

The power appears in the original papers in the prior application. A copy is enclosed.

Applicant qualifies as a small entity.

Also enclosed are an Express Mail Certificate and a Postcard.

Address all future communications to:

Respectfully submitted,
SCHNADER HARRISON SEGAL & LEWIS LLP

Date: 11/24/03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : Not Yet Assigned

22469

Examiner : Not Yet Assigned

Serial No. : Not Yet Assigned

Filed : Herewith

Inventors : Henry Daniell

Docket No. 1202-CON2-DIV-00

Title : Bruce A. McFadden

: GENETIC ENGINEERING

: OF PLANT CHLOROPLASTS

Date: November 24, 2003

BOX PATENT APPLICATIONS

Assistant Commissioner for Patents

Washington, DC 20231

EXPRESS MAIL CERTIFICATION

37 C.F.R. §1.10

Express Mail Label No.: EL 878204913

Date of Deposit: November 24, 2003

Description of Contents: Postcard, \$471.00 Check, Request for Divisional Application Under 37 C.F.R. §1.53(b), in duplicate, copy of the prior application as originally filed, Preliminary Amendment, Application Data Sheet, Executed Combined Declaration and Power of Attorney of Bruce A. McFadden and Copy of previously recorded Assignment

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to Box Patent Applications, Assistant Commissioner for Patents, Washington, DC 20231.

By: _____

Valerio J. N.

Date: _____

November 24, 2003